

1 BILL NO. G-89-10-22

2 GENERAL ORDINANCE NO. _____

3
4 AN ORDINANCE OF THE COMMON COUNCIL OF THE
5 CITY OF FORT WAYNE, INDIANA AMENDING
6 CHAPTER 7.5 OF THE MUNICIPAL CODE OF THE
7 CITY OF FORT WAYNE, ENTITLED "CABLE
8 COMMUNICATIONS SYSTEM."

9 WHEREAS, Chapter 7.5 of the Municipal Code of the City
10 of Fort Wayne is in need of revision; and

11 WHEREAS, a revenue source is needed to fund police and
12 fire pensions.

13 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
14 THE CITY OF FORT WAYNE, INDIANA THAT CHAPTER 7.5 OF THE
15 MUNICIPAL CODE OF THE CITY OF FORT WAYNE IS HEREBY AMENDED AS
16 FOLLOWS:

17 SECTION 1. Section 7.5-8(a) is repealed and replaced
18 with the following language:

19 Sec. 7.5-8. Rates and franchise payments.

20 (a) In consideration of the granting and exercise of a
21 franchise to use the streets, as herein defined, for the
22 operation of the cable communication systems, any
23 franchisee shall pay to the city, during the life of the
24 franchise, the following: Three (3) per cent of the
25 franchisee's gross annual subscriber receipts or three
26 (3) per cent of the franchisee's gross annual receipts,
27 whichever shall be greater; effective April 1, 1985,
28 such fees shall be four (4) per cent instead of three
29 (3) per cent; and effective July 1, 1986, such fees
30 shall be five (5) per cent. Notwithstanding anything
31 herein to the contrary, such fees shall not exceed the
32 maximum percentage as allowed by federal law and/or any
and all rules and regulations thereof. All fees
collected and paid under this chapter shall be divided
between the Dedicated Cable Television Fund, the general
fund of the city of Fort Wayne, Indiana, and the
Dedicated Trust Fund established for funding the City of
Fort Wayne's Public Safety Pension Program. Said trust
fund for the Public Safety Pension Program shall be
established by the City of Fort Wayne no later than
December 31, 1989. Sixty (60) per cent of the fees
collected and paid under this chapter shall be allocated
to the general fund of the City of Fort Wayne, Indiana,
with twenty-five (25) per cent being allocated to the
Dedicated Cable Television Fund, and fifteen (15) per
cent being allocated to the Dedicated Trust Fund
established for funding the City of Fort Wayne's Public
Safety Pension Program.

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2 SECTION 2. 7.5-8(b) is repealed and replaced with the
3 following language:

4 (b) (1) Notwithstanding anything in subparagraph (a), all
5 fees collected and paid under this chapter from the
6 effective date of passage of this ordinance until
7 December 31, 1990, shall be divided between the general
8 fund of the City of Fort Wayne, Indiana and the
9 Dedicated Trust Fund established for funding the City of
10 Fort Wayne's Public Safety Pension Program, with sixty
11 (60) per cent being allocated to the general fund of
12 City and forty (40) per cent being allocated to the
13 Dedicated Trust Fund established for funding the City of
14 Fort Wayne's Public Safety Pension Program. Effective
15 January 1, 1991, and thereafter, the percentage
16 allocations of all fees collected and paid under this
17 chapter, as outlined in subparagraph (a) of Section 7.5-
18 8, shall come into effect, i.e. sixty (60) per cent to
19 the City's general fund, twenty-five (25) per cent to
20 the Dedicated Cable Television Fund, and fifteen (15)
21 per cent to the Dedicated Trust Fund established for
22 funding the City of Fort Wayne's Public Safety Pension
23 Program."

24 (2) The percentage payment (franchise fees) shall be
25 made in the manners and in amounts and at the times as
26 directed in said franchise or in this chapter, or in a
27 council resolution fixing franchise fees and adopting
28 rules for service and regulations thereof. Twenty-five
29 (25) per cent of such fees allocated to the Dedicated
30 Cable Television Fund shall be payable to the City
31 Controller and deposited into a Dedicated Cable
32 Television Fund to be used for cable system related
expenses. Fifteen (15) per cent of such fees allocated
to the Dedicated Trust Fund established for funding the
City of Fort Wayne's Public Safety Pension Program shall
be payable to the City Controller and shall be deposited
into a Dedicated Trust Fund established for funding the
City of Fort Wayne's outstanding obligation on its
Public Safety Pension Program. Sixty (60) per cent of
such fees, as aforescribed, shall be payable to the
City Controller and deposited in the City's general
fund.

24 SECTION 3. Section 7.5-8(k) is repealed and replaced
25 with the following language:

26 Sec. 7.5-8(k) All fees paid hereunder by the
27 franchisees shall be payable to the City Controller on a
28 quarterly basis or as otherwise provided for in this
29 chapter, and same shall be deposited in the general
30 fund, the Dedicated Cable Television Fund, or the
31 Dedicated Trust Fund for the City of Wayne's Public
32 Safety Pension Program, as herein provided."

1 SECTION 4. Section 7.5-12 is amended by adding the
2 following subsection:

3 *deleted* { Sec. 7.5-12(e) Notwithstanding any other provision in
4 Section 7.5-12, the Cable Television Program Advisory
5 Council shall propose no expenditure to the Common
6 Council for approval which is not matched by an
7 expenditure of equal monetary value by the organization
8 or individuals requesting such expenditures from the
9 Cable Television Program Advisory Council."

10 SECTION 5. That this Ordinance shall be in full force
11 and effect from and after its passage and any and all
12 necessary approval by the Mayor.

13 *Janet G. Bradbury*
14 COUNCILMEMBER

15 APPROVED AS TO FORM
16 AND LEGALITY.

17 *Stanley A. Levine*
18 Stanley A. Levine
19 Legal Advisor to
20 Fort Wayne Common Council
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DATED: 10-10-89

DATED: _____

PAUL HELMKE, MAYOR

BILL NO. G-89-10-22 *(As Amended)*
by deletion

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

Held until
10-24-89
Hearing
10/27/89
(Talarico)

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) OF THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA AMENDING CHAPTER 7.5 OF
THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, ENTITLED
"CABLE COMMUNICATIONS SYSTEM"

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

DATED:

Sandra E. Kennedy
City Clerk